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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

EDWIN ALEXANDER PEREZ,

Defendant and Appellant.

B291483

(Los Angeles County
Super. Ct. No. MA060452)

THE COURT:

The Los Angeles County District Attorney's Office charged defendant and appellant Edwin Alexander Perez with two counts of carjacking. (Pen. Code, § 215.) Following trial, the jury found defendant guilty. The jury also found true the allegations that defendant committed the crimes for the benefit of a criminal street gang (Pen. Code, § 186.22, subd. (b)(4)), that a principal personally used a firearm in the commission of the offenses (Pen. Code, § 12022.53, subds. (b) & (e)(1)), and that defendant personally used a handgun in the commission of the offenses

(Pen. Code, § 12022.53, subd. (a)). Defendant was sentenced to a term of 40 years to life in state prison, including a 10-year sentence enhancement under Penal Code section 12022.53. He appealed, and on November 28, 2017, we affirmed the judgment, with directions to recalculate presentence custody credits. (*People v. Perez* (Nov. 28, 2017, B279779) [nonpub. opn.], at pp. 2, 24–25.)

On December 5, 2017, defendant filed a petition for rehearing. He argued that his case had to be remanded to permit the trial court to exercise its discretion to strike the firearm enhancement, pursuant to Senate Bill Number 620, signed by the Governor on October 11, 2017. Effective January 1, 2018, Penal Code section 12022.53 was amended to allow a trial court to exercise its discretion whether to strike a firearm enhancement.

We granted defendant’s petition for rehearing and, on March 21, 2018, issued a new opinion on rehearing, affirming the judgment but remanding the matter to the trial court to exercise its discretion whether to strike the 10-year firearm enhancement imposed under Penal Code section 12022.53, subdivision (b). (*People v. Perez* (Mar. 21, 2018, B279779) [nonpub. opn.], at p. 25.)

After a hearing, the trial court denied defendant’s request to strike the 10-year firearm enhancement under Penal Code section 12022.53. In so deciding, the trial court cited numerous factors, including defendant’s extensive criminal record, his role as the primary offender in the carjacking, and the fact that this appeared to be a planned crime.

Defendant timely filed a notice of appeal.

Counsel was appointed to represent defendant in connection with this appeal. After examination of the record,

counsel filed an “Opening Brief” in which no arguable issues were raised. On November 26, 2018, we advised defendant that he had 30 days within which to personally submit any contentions or issues for us to consider. To date, no supplemental brief has been submitted.

We have examined the entire record and we are satisfied that defendant’s appellate counsel has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441 (*Wende*).)

Defendant has, by virtue of counsel’s compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment and sentence entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123–124.)

The trial court’s order is affirmed.

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ASHMANN-GERST, Acting P. J. CHAVEZ, J. HOFFSTADT, J.